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EXAMINER

ANDERSON, FOLASHADE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/728,408	Applicant(s) SWANSON, JON	
	Examiner FOLASHADE ANDERSON	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-20, & 22-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-20, & 22-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. **THIS ACTION IS MADE FINAL** in response to the communication received on July 22, 2008. Claims 1-17, 19, 20 and 22-37 are now pending in this application. Claims 1, 3, 4, 6-12, 19, 27, 29, 30, 36 and 37 are amended. Claims 18 and 21 are canceled.

Response to Amendment

Specification

2. The amendment filed 07/22/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: and where in all of said attendees at either of said first and second virtual meetings are not present in the other of said first and second virtual meetings, see claims 7, 10, 36 and 37.

Applicant is required to cancel the new matter in the reply to this Office Action.

Response to Arguments

3. Applicant's arguments that Semaan (US Patent 5,680,392) does not teach the step of "allocating resources for the meeting after a request to join the meeting has been received," page 2, or the step of "relating to two different meetings that occur at least partially concurrently," page 10, and the step of "all of the attendees at either of the first and second meetings are not present at the other," page 14, (similar to argument

C.2, page 16), are directed toward newly amended claim language therefore the argument with respect to claims 1, at least claim 7 and 37 (9) respectively are moot in view of the new ground(s) of rejection below.

4. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that Semaan does not teach (1) determining bandwidth available for a particular user, page 10, (similar to argument C.1, page 15), (2) a meeting invitation including a meeting entry portal be communicated to the attendee, page 12, (similar to argument C.4, page 17), (3) step of determining whether any linkages connecting different users to different meetings are being shared and if so determining what bandwidth is available over the linkages (similar to argument C.3, page 16), and (4) the meeting entry is a URL, page 17.

In response to arguments (1) the Examiner respectfully disagrees, the limitation of "determining bandwidth" first appears in claim 2 which depends from claim 1. Since Applicant did not specifically states the claim his arguments referenced the argument will be addressed with respect to claim 2. Semaan teaches "conference quality parameter provided by the user specifies the . . . the bandwidth desired," (col. 9, lines 10-12) via a "hypothetical telecommunications system . . . coupled to the network" (col. 5, lines 8-12) thus a currently recited in claim 1 "on a computer network". Here the user enters the bandwidth requirements, where it is inherent that the requirements are determined, in to the system which is carried out via the network. Therefore Semaan anticipates this limitation.

In response to arguments (2) and (4) the Examiner respectfully disagrees, Semaan teaches "must attach themselves . . . this will be accomplished by establishing one or more transport connections . . . many of which are defined in ITU-TT.123," (col.3, lines 37-50) "transport protocols set forth in T.123 . . .TCP/IP (the internet)," (col. 7, lines 42-46), where ""attached" also being defined in T.122," (col. 3, lines 38-39). It is old and well known in the art that URL is inherent to the use of TCP/IP. It is noted that it is old and well known in the art that the under ITU-T T.122 "attach" means to connect. Therefore the Semaan teaches a meeting invitation including a meeting entry portal is a URL (URL for attachment) to be communicated to the attendee (made known).

In response to arguments (3) the Examiner respectfully disagrees, Semaan teaches "two or more participants to a conference will be able to initiate a "private" conference while they are still members of the initial conference," (col. 9, lines 6-9), "a hypothetical system with ten reservation controllers each of which is respectively coupled to an MCU . . . the single level structure of the system can utilize . . . multiple reservation domains," (col. 10, lines 64-67 and col. 11, lines 1-7), i.e. shared bandwidth and "conference quality parameter provided . . . the bandwidth desired for other data," (col. 9, lines 10-15), i.e. available bandwidth is determined for other data.

Specification

5. Claim 1 objected to because of the following informalities: It appears that words are missing for the claim "allocating network resources for said meeting, after receiving said request to join from said first of said plurality of attendees, said network resources

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including at least a network interface location for connecting said plurality of attendees for communication with one another during the meeting”. It is not clear what the request to join is in regards to. It is assumed that Applicant means the request is to join the meeting as indicated in the previous line of the claim. Suggested correction of the limitation is “after receiving said request to join the meeting from said first of said plurality of attendees, said network resources including at least a network interface location for connecting said plurality of attendees for communication with one another during the meeting”. Appropriate correction is required.

Claim 4 objected to because of the following informalities: as currently amended recites “a method as defined by claim 3 and further including the step of determining the total bandwidth required for the virtual meeting by summing the bandwidth required for each of said plurality of real time data streams from each of said plurality of attendees”. It appear that Applicant overlooked the deletion of the “and” after the “3”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 6 recites the limitation "said at least one meeting attendee" in the fifth line of claim 6. There is insufficient antecedent basis for this limitation in the claim. Claims 7-10 depend from claim 6 and therefore suffer similar deficiencies.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-5, 11-17, 19-20, 22-27 and 29-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Semaan (U.S. 5,680,392).

As per claim 1, Semaan discloses a method for organizing a virtual meeting between a plurality of attendees on a computer network, the method comprising the steps of:

selecting a meeting date, a meeting start time, meeting duration, and a meeting code, storing said meeting date, said meeting start time, said meeting duration, and said meeting code in a meeting file (col. 6, lines 8-19; col. 8, lines 45-50; Figure 3);

storing said meeting file in a memory accessible to the network (Figures 3-4);

communicating a meeting invitation to said plurality of attendees over the network, said invitation including at least said meeting date, said meeting start time, said meeting code, and a meeting entry portal (col. 8, lines 51-64); and

receiving a request to join the meeting from a first of plurality of attendees (col. 6, lines 20-52):

allocating network resources for said meeting, after receiving said request to join from said first of said plurality of attendees said network resources including at least a network interface location for connecting said plurality of attendees for communication with one another during the meeting (col. 6, lines 20-52),, said network resources sufficient to communicate a plurality of real time data streams over the network, said plurality of real time data streams including at least one real time video data stream and at least one real time audio data stream (col. 6, lines 24-52; col. 8, lines 65-67).

As per claim 2, Semaan discloses a method as defined by claim 1 and further including the step of determining a required bandwidth for the meeting and storing said required bandwidth in said meeting file (col., 9, lines 10-27).

As per claim 3, Semaan discloses a method as defined by claim 1 wherein each of said plurality of meeting attendees will be streaming a plurality of real time data streams to the meeting, and wherein the method further includes the step of determining the bandwidth required for each of said plurality of real time data streams (col. 8, line 65-col. 9, line 28).

As per claim 4, Semaan discloses a method as defined by claim 3 and further including the step of determining the total bandwidth required for the virtual meeting by summing the bandwidth required for each of said plurality of real time data streams from each of said plurality of attendees (col. 8, line 65-col. 9, line 28).

As per claim 5, Semaan discloses a method as defined by claim 4 wherein said plurality of real time data streams includes at least a plurality of video data streams and at least one audio data stream (col. 8, line 65-col. 9, line 28).

As per claim 11, Semaan discloses a method as defined by claim 1 and further including the steps of determining the total required bandwidth for the meeting, of determining the total bandwidth of each of said plurality of meeting attendees, and of limiting said meeting attendees to only those having sufficient bandwidth to participate in said meeting (col. 6, lines 8-13 and 24-26; col. 8, line 65-col. 9, line 28).

As per claim 12, Semaan discloses a method as defined by claim 1 and further including the steps of determining the total required bandwidth for the meeting, of determining the total available bandwidth of each of said plurality of meeting attendees, and of directing any attendees that do not have sufficient bandwidth available to link to a subset of said plurality of data streams being communicated during the meeting (col. 6, lines 28-64).

As per claim 13, Semaan discloses a method as defined by claim 1 wherein said meeting file further includes at least one application to be used during the meeting (col. 8, lines 11-31).

As per claim 14, Semaan discloses a method as defined by claim 1 wherein said invitation is an executable file that upon execution takes all steps necessary to connect to said virtual meeting (col. 8, lines 57-59).

As per claim 15, Semaan discloses a method as defined by claim 1 wherein said meeting file further specifies a display template for displaying video streams during the meeting (col. 9, lines 10-27).

As per claim 16, Semaan discloses a method as defined by claim 15 wherein said display template includes application geometry for displaying images (col. 9, lines 10-27).

As per claim 17, Semaan discloses a method as defined by claim 1 and further including the step of selecting a display template for displaying at least one video data stream during the meeting (col. 9, lines 10-27).

As per claim 19, Semaan discloses a method as defined by claim 1 and further including the steps of linking each remaining of said plurality of users to said meeting resources when a request for entry is received from said remaining of said plurality of users (col. 6, lines 44-64).

As per claim 20, Semaan discloses a method as defined by claim 1 wherein said network resources include at least one network interface having an address, and further including storing said at least one network interface address in said meeting file (col. 5, lines 38-58).

As per claim 22, Semaan discloses a method as defined by claim 1 wherein the step of allocating said network resources for said meeting comprises selecting said network resources from a list of available network resources (col. 6, lines 20-43; Figures 4-4a).

As per claim 23, Semaan discloses a method as defined by claim 1 wherein said network resources comprise one or more network interface locations (col. 3, lines 19-23; col. 7, lines 42-52).

As per claim 24, Semaan discloses a method as defined by claim 23 wherein said network interface locations comprise port numbers (col. 3, lines 19-23; col. 7, lines 42-52).

As per claim 25, Semaan discloses a method as defined by claim 1 wherein said network resources comprise at least one IP address for a network interface connected to the network and at least one port (col. 3, lines 19-23; col. 7, lines 42-52).

As per claim 26, Semaan discloses a method as defined by claim 1 wherein said network resources include at least one network interface address, and further including the step of storing said at least one network interface address in said meeting file (col. 3, lines 19-23; col. 7, lines 42-52).

As per claim 27, Semaan discloses a method as defined by claim 1 wherein said meeting entry portal is a URL and wherein said network interface location is different for said meeting entry point (col. 3, lines 19-23; col. 7, lines 42-52; col. 12, lines 61-66).

As per claim 29, Semaan discloses a method as defined by claim 1 and further including the step of providing a network address for each of said plurality of meeting attendees (col. 3, lines 19-23; col. 7, lines 42-52).

As per claim 30, Semaan discloses a method as defined by claim 1 and further including the steps of creating a pass key for entry to said meeting, of including said

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pass key with said invitation communicated to said plurality of attendees, and of storing said pass key in said meeting file (col. 8, lines 60-61).

Claims 31-37 recite subject matter similar to the limitations already rejected above. Therefore, claims 31-37 are rejected on the same basis as claims 1-27 and 29-30 above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Semaan (U.S. 5,680,392), as applied above in view of Etorre et al (U.S. 6,594,265)

As per claim 6, Semaan discloses a method as defined by claim 1 and further including the steps of determining the total bandwidth available to communicate with (col. 8, line 65-col. 9, line 28).

Semaan does not teach each of said plurality of attendees through consideration of whether additional traffic unrelated to the virtual meeting will be carried over a linkage connecting said at least one meeting attendee to the virtual meeting.

Etorre teaches each of said plurality of attendees through consideration of whether additional traffic unrelated to the virtual meeting will be carried over a linkage

connecting said at least one meeting attendee to the virtual meeting (Col. 25, lines 19-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Semaan the consideration of whether additional traffic unrelated as taught by Etorre since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 7, Semaan discloses a method as defined by claim 6 wherein the virtual meeting is a first virtual meeting and wherein the step of determining the total bandwidth to communicate with each of said plurality of attendees includes determining whether a second virtual meeting may consume bandwidth resources of said attendee, and wherein all of said attendees at either of said first and second virtual meetings are not present in the other of said first and second virtual meetings, (col. 8, line 65-col. 9, line 28; col. 10, line 64-col. 11, line 29; Figure 5).

As per claim 8, Semaan discloses a method as defined by claim 7 wherein least one of said plurality of attendees is linked to the network by a linkage shared by an attendee of said second virtual meeting, said second virtual meeting being at least partially concurrent with said first virtual meeting (col. 9, lines 6-9; col. 10, line 64-col. 11, line 29; Figure 5).

As per claim 9, Semaan discloses a method as defined by claim 6 and further including the steps of:

determining what linkage each of said plurality of attendees is connected to the network with and determining whether any additional of said plurality of attendees are connected to the network over said linkage (col. 12, lines 15-54).

As per claim 10, Semaan discloses a method as defined by claim 6 wherein the virtual meeting is the first virtual meeting and further including the steps of:

determining what linkage each of said plurality of attendees is connected to the network with, determining whether any other virtual meetings are occurring at least partially concurrently with the first virtual meeting, wherein all of said attendees at either of said first and second virtual meetings are not present in the other of said first and second virtual meetings; and determining whether any attendees of any of said other virtual meetings are connected to the network over said linkage (col. 10, line 64-col. 11, line 29; col. 12, lines 15-54).

13. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Semaan (U.S. 5,680,392), as applied above, and Blinken et al. (U.S. 4,796,293).

As per claim 28, Semaan does not expressly disclose a method as defined by claim 1 and further including the step of specifying an early join time before said start time before which said at least one attendee cannot join the meeting and a late time after which said at least one attendee cannot join the meeting. Blinken et al. discloses that "latecomers" will not be able to join a conference after a certain amount of time has expired (col. 7, lines 18-21). Additionally, Examiner takes Official Notice that specifying

an early join time before a start time before which an attendee cannot join a meeting is an old and well known function of scheduling online/virtual meetings. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the online conference scheduling system of Semaan with the features taught by Blinken et al. and Official Notice because the invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
Examiner, Art Unit 3623

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